

**BY ORDER OF THE  
SECRETARY OF THE AIR FORCE**

**AIR FORCE POLICY DIRECTIVE 36-27**

**9 APRIL 2012**



**Personnel**

**EQUAL OPPORTUNITY (EO)**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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This Policy Directive implements DoDD 1350.2, *Department of Defense Military Equal Opportunity (MEO)*, 18 August 1995, DoD Directive 1440.1, *The DoD Civilian Equal Employment Opportunity (EEO) Program*, May 21, 1987, relating to USAF Civilian EEO Complaints, and DOD Directive 5500.11, *Nondiscrimination in Federally Assisted Programs*, May 27, 1971. This Directive incorporates strategies needed to meet the needs of the Air Force; it reflects the integration of the *Civilian Equal Employment Opportunity Complaints (EEO)* program with the *Military Equal Opportunity (MEO)* to a consolidated *Equal Opportunity (EO) Program*. Send all recommended changes or comments about this publication to HQ USAF/A1Q, 1602 California Avenue, Suite 217, Joint Base Andrews NAF, MD 20762, [afa1q.workflow@pentagon.af.mil](mailto:afa1q.workflow@pentagon.af.mil), through appropriate channels, using AF Form 847, *Recommendation for Change of Publication*.

This publication applies to all military personnel subject to the Uniform Code of Military Justice (UCMJ), Air Force Academy Cadets, Reserve Officer Training Corps (ROTC) Cadets, members of the Air Force Reserve, Air National Guard (ANG) on federal active duty status under Title 10, U.S. Code, and all Air Force civilian personnel subject to administrative and/or disciplinary action under applicable directives and/or implementing instructions governing civilian disciplinary or adverse action (except National Guard Technicians who are governed by National Guard Bureau regulations, directives, and principles). Ensure all records created as a result of processes prescribed in this publication are maintained in accordance with AFMAN 33-363, *Management of Records*, and disposed of in accordance with the Air Force Records Disposition Schedule (RDS) located at <https://www.my.af.mil/afrims/afrims/afrims/rims.cfm>. See Attachment 1 for a glossary of references and supporting information.

### ***SUMMARY OF CHANGES***

This revision contains minor changes to this policy directive adding another protected group for civilian complaints, a one-word change with respect to the implementation of 10 U.S.C. § 1561 as it relates to Commander Directed Investigations in conjunction with civilian employee sexual harassment complaints, and clarification to more clearly distinguish between complaints made by civilian employees and military members.

- 1.** It is the policy of the United States Air Force (USAF) to provide equitable treatment and employment opportunity thereby enhancing unit cohesiveness, military readiness and mission accomplishment. The USAF is a total force that includes active duty, guard, and reserve military members and civilian employees.
- 2.** The USAF is a richly diverse community consisting of Airmen with widely varied backgrounds, beliefs, multi-cultural influences, and many unique life experiences. Airmen are most effective when they are working in an environment that promotes teamwork, inclusion and mutual respect. Therefore, we must train and prepare our Airmen (military and civilian) to view human relation issues and circumstances more broadly. This will allow them to effectively understand, engage, and defeat any potential adversary or personal situation with intelligence and integrity.
- 3.** The Equal Opportunity (EO) program proactively engages all Airmen in the pursuit of equal opportunity. The USAF EO program fosters and supports equal opportunity, the USAF Core Values, and Airman's Creed, and must be a founded principle in the day-to-day actions of all personnel. The USAF will not tolerate unlawful discrimination and unlawful harassment or reprisal against individuals who engage in protected activity. Airmen must actively make workplace professionalism a top priority and take proactive steps to prevent, correct, and eliminate unlawful discriminatory behavior.
- 4.** As we are committed to ensuring all Airmen are treated fairly and free of unlawful discrimination, the EO program recognizes that military service has certain unique characteristics and that Congress has exempted military members from numerous labor and civil rights statutes applicable to civilian employees. Accordingly, all EO guidance will ensure the legally mandated separate standards and requirements for civilian employment and military equal treatment of discrimination complaints are met at each stage of adjudication.
- 5.** Consistent with 29 C.F.R. Part 1614 Subpart G, the USAF EO Operations office (AFPC/EO) will collect, maintain, and post, on the USAF public website, data required to be reported under the Notification and Federal Employee Antidiscrimination and Retaliation Act (No FEAR Act) of 2002.
- 6.** The USAF will use Alternative Dispute Resolution (ADR) to the maximum extent practicable and appropriate to resolve complaints and workplace issues at the lowest level and in the most efficient and effective manner, as prescribed in AFPD 51-12, *Alternative Dispute Resolution*, and AFI 51-1201, *Alternative Dispute Resolution Processes in Workplace Disputes*. The USAF will continue to train its managers and supervisors in mediation, negotiation, and other problem-solving techniques.
- 7.** USAF EO offices will advise military and civilian complainants with sexual harassment complaints that they have a right to an investigation in accordance with Section 591 of the

National Defense Authorization Act as codified at 10 U.S.C. § 1561. The local EO Director will post and provide the name and contact information of the designated management official appointed for their base to implement this requirement.

**8.** The USAF recognizes the essential elements of a model EEO program, as identified in the Equal Employment Opportunity Commission's Management Directive 715 report. The USAF also recognizes the elements of DoDD 1350.2, and DoDI 1350.3, *Affirmative Action Planning and Assessment Process* respectively in developing model MEO programs. The Assistant Secretary of the Air Force, Manpower and Reserve Affairs (SAF/MR), the Air Force EEO Director, along with the USAF EO office (AF/A1Q) will incorporate the best practices of both programs to establish a model EO program.

**9.** Unlawful harassment, in any context, is a violation of USAF policy. It is the duty of each commander, manager, and supervisor to maintain a workplace free of unlawful discrimination and unlawful harassment, to ensure Airmen under their supervision are aware of this policy, to ensure Airmen can report violations without fear of reprisal or retaliation, to promptly, thoroughly and impartially investigate complaints, and to take appropriate corrective action when a violation is found, including disciplinary action, if warranted.

**10.** It is against USAF policy for any Airman to unlawfully discriminate, harass, intimidate, or threaten another military Airman on the basis of race, color, religion, sex, or national origin. It is unlawful to discriminate against a civilian Airman based on the above stated categories plus age, disability, genetic information, reprisal, or any other non-merit factors prohibited by statute, regulation, or Executive Order.

10.1. Unlawful harassment includes creating an intimidating, hostile working environment for another person on the above stated bases.

10.2. Unlawful sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature particularly when submission to such conduct is made directly or indirectly as a term or condition of employment, and/or when submission to or rejection of such conduct is used as a basis for an employment decision affecting the person.

**11.** It is extremely important that unlawful discrimination or unlawful harassment be reported immediately. Failure to report, or any undue delay in reporting, may hinder the USAF's ability to prevent and/or correct unlawful behavior.

11.1. Civilian Airmen who believe they have been subjected to unlawful discrimination or unlawful harassment based on race, color, religion, sex, national origin, age, disability, genetic information, or reprisal must report it promptly to their supervisor or an EO officer. Reports of unlawful discrimination or unlawful harassment made by civilian Airmen will be processed in accordance with the DoD Civilian Equal Employment Opportunity Program. When requested, the USAF will protect the confidentiality of the individuals bringing harassment complaints to the extent possible.

11.2. Military Airmen who believe they have been subjected to unlawful discrimination or unlawful harassment based on race, color, religion, sex (including sexual harassment), or national origin should promptly attempt resolution at the lowest possible level. If the supervisor is alleged to have engaged in the offending conduct, the report should be made to the next level supervisor or an EO officer. Reports of unlawful discrimination or unlawful harassment made by military Airmen will be processed in accordance with the DoD Military EO Program.

MICHAEL B. DONLEY  
Secretary of the Air Force

**Attachment 1****GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

AFPD 33-3, *Air Force Information Management*, 28 March 2006

AFPD 36-2, *Civilian Recruitment and Placement*, 15 April 2008

AFPD 51-3, *Civil Litigation*, 21 May 1993

AFPD 51-12, *Alternative Dispute Resolution*, 9 January 2003

AFI 10-206, *Operational Reporting*, 15 October 2008

AFI 25-201, *Support Agreements Procedures*, 1 May 2005

AFI 32-1024, *Standard Facility Requirements*, 31 May 1994

AFI 33-332, *Air Force Privacy Act Program*, 16 May 2011

AFI 33-360, *Publications and Forms Management*, 18 May 2006

AFMAN 33-363, *Management of Records*, 1 March 2008

AFI 36-2101, *Classifying Military Personnel (Officer and Enlisted)*, 14 June 2010

AFI 36-2301, *Professional Military Education*, 16 July 2010

AFI 36-2406, *Officer and Enlisted Evaluation System*, 15 April 2005

AFI 36-2626, *Airman Retraining Program*, 1 July 1999

AFI 36-2706, *Equal Opportunity Program, Military and Civilian*, 5 October 2010

AFI 36-2707, *Nondiscrimination in Programs and Activities Assisted or Conducted by the Department of the Air Force*, 16 December 2010

AFI 36-2903, *Dress and Personal Appearance of Air Force Personnel*, 18 July 2011

AFI 36-3206, *Administrative Discharge Procedures for Commissioned Officers*, 9 June 2004

AFI 36-3208, *Administrative Separation of Airmen*, 9 July 2004

AFI 51-301, *Civil Litigation*, 1 July 2002

AFI 51-903, *Dissident and Protest Activities*, 1 February 1998

AFI 51-1201, *Alternative Dispute Resolution Processes in Workplace Disputes*, 21 May 2009

AFI 65-601, Volume 1, *Budget Guidance and Procedures*, 3 March 2005

AFI 71-101, Volume 1, *Criminal Investigations Program*, 8 April 2011

AFI 90-301, *Inspector General Complaints Resolution*, 15 May 2008

AFI 90-401, *Air Force Relations with Congress*, 1 July 1998

FJI 31-213, *Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations*, 30 June 1993

Air Force Systems Security Instruction 5020, *Remanence Security*, 20 August 1996

Title 5, Code of Federal Regulations, Part 1201, *MSPB Regulations*, current edition

Title 29, Code of Federal Regulations, Part 1614, *EEOC Regulations*, current edition

DoD Instruction 1300.17, *Accommodation of Religious Practices within the Military Services*, February 10, 2009

DoD Directive 1020.02, *Diversity Management and Equal Opportunity (EO) in the Department of Defense*, 5 February 2009

DoD Instruction 1325.06, *Handling Dissident and Protest Activities Among Members of the Armed Forces*, November 27, 2009.

DoD Directive 1350.2, *Department of Defense Military Equal Opportunity (MEO) Program*, 18 August 1995

DoD Directive 5145.5 *Alternative Dispute Resolution*, Apr 22, 1996

DoD Directive 5500.11, *Nondiscrimination in Federally Assisted Programs*, 27 May 1971

DoD Instruction 1350.3, *Affirmative Action Planning and Assessment Process*, 29 February 1988

DoD Directive 1440.1, *DoD Civilian Equal Employment Opportunity (EEO) Program*, 21 May 1987

DoD Directive 5100.03, *Support of the Headquarters of Combatant and Subordinate Unified Commands*, February 9, 2011

DoD Directive 5400.07, *DoD Freedom of Information Act Program*, 2 January 2008

Executive Order 9397, *Numbering System for Federal Accounts Relating to Individual Persons*, 30 November 1943, as amended

Executive Order 11478, *Equal Employment Opportunity in the Federal Government*, 8 August 1969, as amended

Executive Order 12106, *Transfer of Certain Equal Employment Enforcement Functions*, 28 Dec 1978, as amended

Public Law 106-398, *National Defense Authorization Act of 2001, Section 1111, Pilot Program For Reengineering The Equal Employment Opportunity Complaint Process*, October 30, 2000

Public Law 107-174, *Notification and Federal Employee Antidiscrimination Act of 2002 ("No FEAR" Act)*, May 15, 2002

*Title 5 United States Code Sections 552a and 571, et. seq.*

*Title 10 United States Code Section 1561*

*Title 10 United States Code Section 8013*

*Title 29 United States Code Sections 204, 206, 626, 633(a), and 791*

*Title 42 United States Code Section 2000e-16*

Equal Employment Opportunity Commission Management Directive 110, *Federal Sector Equal Employment*, November 9, 1999

Equal Employment Opportunity Commission Management Directive 715, *Title VII and Rehabilitation Act Programs*, October 1, 2003

***Adopted Forms***

AF Form 847, Recommendation for Change of Publication

***Abbreviations and Acronyms***

**AFRIMS**—Air Force Records Information Management System

**RDS**—Records Disposition Schedule